

# HOUSE BILL No. 1807

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10; IC 3-12-5-7.

**Synopsis:** Indiana's electoral vote. Provides that allocation of Indiana's electoral votes to the candidate for President of the United States to the winner of the Indiana popular vote does not apply if the "Agreement Among the States to Elect the President by National Popular Vote" (agreement) becomes effective. Provides for allocation of Indiana's electoral votes to the national popular vote winner if the agreement becomes effective. Enacts and enters into the agreement.

**Effective:** July 1, 2007.

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**Pierce, Grubb**

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January 26, 2007, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1807

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-10-4-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The presidential electors who  
3 are elected ~~at a general election~~ **under this chapter or under**  
4 **IC 3-10-4.5** shall assemble in the chamber of the Indiana house of  
5 representatives on the first Monday after the second Wednesday in  
6 December as provided by 3 U.S.C. 7, or on another day fixed by the  
7 Congress of the United States, at 10 a.m. to elect the President and  
8 Vice President of the United States.  
9 (b) The secretary of state, or an individual designated by the  
10 secretary, shall preside at this meeting. The election division shall  
11 assist the secretary in conducting the election and in certifying and  
12 transmitting the results in accordance with federal law.  
13 (c) As provided by 3 U.S.C. 6, the governor shall deliver to the  
14 electors present six (6) duplicate originals of the certificate of  
15 ascertainment of appointment of the electors mailed to the Archivist of  
16 the United States.  
17 SECTION 2. IC 3-10-4.5 IS ADDED TO THE INDIANA CODE



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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]:

**Chapter 4.5. Agreement Among the States to Elect the President  
by National Popular Vote**

**Sec. 1. The Agreement Among the States to Elect the President  
by National Popular Vote is enacted and entered into by the state  
of Indiana with all other states joining the agreement in the form  
substantially as set forth in section 2 of this chapter.**

**Sec. 2. Agreement Among the States to Elect the President by  
National Popular Vote.**

**Article I: Membership.**

Any state of the United States may become a member of this  
agreement by enacting this agreement.

**Article II: Right of the People in Member States to Vote for  
President and Vice President.**

Each member state shall conduct a statewide popular election  
for President and Vice President of the United States.

**Article III: Manner of Appointing Presidential Electors in  
Member States.**

Before the time set by law for the meeting and voting by the  
presidential electors, the chief election official of each member  
state shall determine the number of votes for each presidential  
slate in each state of the United States in which votes have been  
cast in a statewide popular election and shall add such votes  
together to produce a national popular vote total for each  
presidential slate.

The chief election official of each member state shall designate  
the presidential slate with the largest national popular vote total as  
the national popular vote winner.

The presidential elector certifying official of each member state  
shall certify the appointment in that official's own state of the  
elector slate nominated in that state in association with the national  
popular vote winner.

At least six (6) days before the day fixed by law for the meeting  
and voting by the presidential electors, each member state shall  
make a final determination of the number of popular votes cast in  
the state for each presidential slate and shall communicate an  
official statement of such determination within twenty-four (24)  
hours to the chief election official of each other member state.

The chief election official of each member state shall treat as  
conclusive an official statement containing the number of popular  
votes in a state for each presidential slate made by the day

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1 established by federal law for making a state's final determination  
2 conclusive as to the counting of electoral votes by Congress.

3 If there is a tie for the national popular vote winner, the  
4 presidential elector certifying official of each member state shall  
5 certify the appointment of the elector slate nominated in  
6 association with the presidential slate receiving the largest number  
7 of popular votes within that official's own state.

8 If, for any reason, the number of presidential electors  
9 nominated in a member state in association with the national  
10 popular vote winner is less than or greater than that state's  
11 number of electoral votes, the presidential candidate on the  
12 presidential slate that has been designated as the national popular  
13 vote winner shall have the power to nominate the presidential  
14 electors for that state, and that state's presidential elector  
15 certifying official shall certify the appointment of such nominees.  
16 The chief election official of each member state shall immediately  
17 release to the public all vote counts or statements of votes as they  
18 are determined or obtained.

19 This article governs the appointment of presidential electors in  
20 each member state in any year in which this agreement is, on July  
21 20, in effect in states cumulatively possessing a majority of the  
22 electoral votes.

#### 23 Article IV: Other Provisions.

24 This agreement takes effect when states cumulatively possessing  
25 a majority of the electoral votes have enacted this agreement in  
26 substantially the same form and the enactments by such states have  
27 taken effect in each state.

28 Any member state may withdraw from this agreement, except  
29 that a withdrawal occurring six (6) months or less before the end  
30 of a President's term shall not become effective until a President or  
31 Vice President shall have been qualified to serve the next term.

32 The chief executive of each member state shall promptly notify  
33 the chief executive of all other states of when this agreement has  
34 been enacted and has taken effect in that official's state, when the  
35 state has withdrawn from this agreement, and when this agreement  
36 takes effect generally.

37 This agreement shall terminate if the electoral college is  
38 abolished.

39 If any provision of this agreement is held invalid, the remaining  
40 provisions are not affected.

#### 41 Article V: Definitions.

42 For purposes of this agreement:

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1       **"Chief election official"** means the state official or body that is  
 2 authorized to certify the total number of popular votes for each  
 3 presidential slate.

4       **"Chief executive"** means the governor of a state of the United  
 5 States or the mayor of the District of Columbia.

6       **"Elector slate"** means a slate of candidates who have been  
 7 nominated in a state for the position of presidential elector in  
 8 association with a presidential slate.

9       **"Presidential elector"** means an elector for President and Vice  
 10 President of the United States.

11       **"Presidential elector certifying official"** means the state official  
 12 or body that is authorized to certify the appointment of the state's  
 13 presidential electors.

14       **"Presidential slate"** means a slate of two (2) persons, the first of  
 15 whom has been nominated as a candidate for President of the  
 16 United States and the second of whom has been nominated as a  
 17 candidate for Vice President of the United States, or any legal  
 18 successors to such persons, regardless of whether both names  
 19 appear on the ballot presented to the voter in a particular state.

20       **"State"** means a state of the United States and the District of  
 21 Columbia.

22       **"Statewide popular election"** means a general election in which  
 23 votes are cast for presidential slates by individual voters and  
 24 counted on a statewide basis.

25       SECTION 3. IC 3-12-5-7 IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** Upon receipt of the certified  
 27 statements from the circuit court clerks under section 6 of this chapter  
 28 and not later than noon of the last Tuesday in November, the election  
 29 division shall tabulate the number of votes cast for each candidate for:

30       ~~(1) presidential electors;~~

31       **(1) the President of the United States;**

32       **(2) a state office other than governor and lieutenant governor; and**

33       **(3) a local office for which a declaration of candidacy must be**  
 34 **filed with the election division under IC 3-8-2.**

35       **(b)** Immediately following the election division's tabulation, the  
 36 secretary of state shall certify to the governor the **following:**

37       **(1) The candidate receiving the highest number of votes for each**  
 38 **office.**

39       **(2) The votes for each of the other candidates for President**  
 40 **and Vice President of the United States.**

41       **(3) The names of the electors for President of the United**  
 42 **States determined under IC 3-10-4 or IC 3-10-4.5.**

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